

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN D. KNABB, III, and TRACY L. KNABB,)
Individually and as Parents and Natural)
Guardians of Joanne D. Knabb, a Minor,)
Plaintiffs)

v.)

INTERNATIONAL BIOMEDICAL, INC., a)
Texas Corporation, t/d/b/a Airborne Life Support)
Systems,)

Defendant and Third Party Plaintiff)

v.)

STEPHEN G. WOODS, Administrator of the)
Estate of John E. Bridge, Deceased;)
CHILDREN'S HOSPITAL OF PITTSBURGH;)
and GUARDIAN ANGEL AMBULANCE)
SERVICES, INC.,)

Third Party Defendants)

Civil Action No. 04-215 Erie

JURY TRIAL DEMANDED

JOINT MOTION FOR MODIFICATION OF CASE MANAGEMENT ORDER

Plaintiffs John D. Knabb, III and Tracy L. Knabb, Individually and as Parents and Natural Guardians of Joanne D. Knabb, a Minor, defendant International Biomedical, Inc., and third party defendants Stephen G. Woods, Administrator of the Estate of John E. Bridge, Deceased, and Children's Hospital of Pittsburgh, respectfully submit the following Joint Motion for Modification of Case Management Order.

1. Plaintiffs John D. Knabb, III and Tracy L. Knabb, individually and as parents and natural guardians of Joanne D. Knabb, a minor, commenced this action on July 26, 2004 against defendant International Biomedical, Inc. and, on September 2, 2004 defendant filed an Answer to Complaint.

2. The Court issued a Preliminary Scheduling Order on September 2, 2004 and, on September 20, 2004, plaintiffs and defendant filed their Joint Report of Rule 26(f) Meeting.

3. On October 6, 2004 a case management conference was held before the Court, and on October 20, 2004 a Case Management Order was issued, closing discovery on February 6, 2005 and requiring that pretrial statements be filed on or before April 7, 2005 (plaintiffs) and April 27, 2005 (defendant), with dispositive motions and responses due on or before February 16, 2005 and March 18, 2005, respectively.

4. The parties served their initial disclosures on September 20, 2004 (plaintiffs) and October 15, 2004 (defendant) and, on November 9, 2004, plaintiffs served interrogatories and document requests on defendant that were answered on February 18, 2005.

5. On October 14, 2004 the Court granted defendant's Motion for Leave to File Third Party Complaint and Serve Third Party Complaint and Summonses and, on October 18, 2004, defendant filed a Third Party Complaint against all three third party defendants. That complaint and the summonses were served on the third party defendants on October 19, 2004 (defendant Woods), October 21, 2004 (defendant Children's Hospital of Pittsburgh) and October 29, 2004 (defendant Guardian Angel Ambulance Services, Inc.).

6. Answers were filed to the Third Party Complaint on December 20, 2004 (Woods) and February 1, 2005 (Children's Hospital of Pittsburgh) and February 26, 2005 (Guardian Angel).

7. On February 8, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on February 7, 2005, extending discovery to June 6, 2005 and requiring the filing of plaintiffs' pretrial statement by August 5, 2005, defendant's pretrial statement by August 26, 2005 and third party defendants' pretrial statements by September 16, 2005. Dispositive motions were to be filed by June 27, 2005, with responses by July 27, 2005.

8. On May 26, 2005 the Court granted the parties' Joint Motion for Modification of Case Management Order filed on May 24, 2005, extending discovery to October 4, 2005 and requiring the filing of plaintiffs' pretrial statement by December 3, 2005, defendant's pretrial statement by December 24, 2005 and third party defendants' pretrial statements by January 4, 2006. Dispositive motions were to be filed by October 25, 2005, with responses to be filed by November 24, 2005.

9. The parties have not been able to complete discovery in the time allotted and require additional time to complete discovery.

WHEREFORE, plaintiffs John D. Knabb, III and Tracy L. Knabb, individually and as parents and natural guardians of Joanne D. Knabb, a minor, defendant and third party plaintiff International Biomedical, Inc., and third party defendants Stephen G. Woods, administrator of the estate of John E. Bridge, Deceased, and Children's Hospital of Pittsburgh respectfully request that the Court modify the Amended Case Management Order of May 26, 2005, extending discovery to February 1, 2006 and appropriately modifying the remainder of the Amended Case Management Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of September, 2005, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen
James T. Marnen

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